

SPECIAL MEETING  
March 23, 2005

The Special Meeting of the Annapolis City Council was held on March 23, 2005 in the Council Chamber. Mayor Moyer called the meeting to order at 7:05 p.m.

Present on Roll Call: Aldermen Hammond, Tolliver, Kelley, Cordle, Fox, Cohen,  
Alderwomen Hoyle, Carter

Mayor Moyer was absent.

Staff Present: City Attorney Spencer, Fire Department Chief Lonergan, Fire  
Department Captain Krutchley, Planning & Zoning Director  
Arason, Coordinator of Community and Social Programs  
Spencer, City Administrator Agee

- Acting Mayor Fox, Fire Department Chief Lonergan, Fire Department Captain Krutchley, and Coordinator of Community and Social Programs Spencer, proclaimed D. Michael Rowe, Firefighter First Class, 2004 Employee of the Year

PUBLIC HEARINGS

**O-6-05 For the purpose of designating Deputy Fire Chiefs as exempt service; allowing for the hiring of up to two Deputy Fire Chiefs; correcting pay scale for Fire and Police Chiefs; and matters generally relating to said Exempt Service.**

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke on the ordinance.

No one else from the general public spoke in favor of or in opposition to the ordinance.

Alderman Cohen, Chairman, declared the public hearing closed.

**O-7-05 For the purpose of defining taxicab company; defining a distinctive color scheme or insignia for taxicab companies; requiring that taxicab drivers, and any ride-along guests, wear clearly identifiable standard attire; restricting the number of independent owner/operator permits to 25 per license year; directing taxicab drivers to refrain from receiving or sending phone calls or messages without the use of hand-free technology; and matters generally relating to said taxicab regulations.**

No one from the general public spoke in favor of or in opposition to the ordinance.

Alderman Cohen, Chairman, declared the public hearing closed.

**O-8-05 For the purpose of specifying compensation and allowances to be paid to the Mayor and Aldermen for the terms of office commencing on the first Monday in December, 2005; and matters generally relating to said compensation.**

No one from the general public spoke in favor of or in opposition to the ordinance.

Alderman Cohen, Chairman, declared the public hearing closed.

**O-9-05 For the purpose of authorizing a lease of certain municipal property located in the general harbor, Dock Street and Edgewood Road areas to United States Yacht Shows, Inc. and Annapolis Boat Shows, Inc., bodies corporate, for a certain period of time in October 2009, subject to certain terms, provisions and conditions, for the purpose of conducting boat shows; and all matters relating to said lease.**

No one from the general public spoke in favor of or in opposition to the ordinance.

Alderman Cohen, Chairman, declared the public hearing closed.

**O-12-05      For the purpose of authorizing the lease of the MarketHouse to Dean & DeLuca Annapolis, Inc., a body corporate, for a certain period of time, subject to certain terms, provisions, and conditions, for the purpose of operating a full scale gourmet market and café; and all matters relating to said lease.**

City Administrator Agee gave a brief presentation on the ordinance and answered questions from Council.

Spoke on the ordinance:

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke on the ordinance:

Spoke in favor of the ordinance:

- Tom Corboy, 16 Spa View Circle, Annapolis, Maryland 21401
- Valerie Miller, representing County Council Member Samorajczyk (District 6), 44 Calvert Street, Annapolis, Maryland 21401
- Brian Miller, representing Ward One Residents Association, 114 Market Street, Annapolis, Maryland 21401

Spoke in opposition to the ordinance:

Sveinn Storm, 130 Dock Street, Annapolis, Maryland 21401

No one else from the general public spoke in favor of or in opposition to the ordinance.

Alderman Cohen, Chairman, declared the public hearing closed.

**R-6-05      For the purpose of authorizing the Mayor to execute an agreement with Comcast of Maryland, Inc. for the granting and renewal of non-exclusive, revocable franchises for cable services in the City of Annapolis; and matters generally relating to said agreement.**

Bruce Abbott, Vice President & General Manager; Angela Patrick, Regional Director of Government Affairs; Chris Comer, Director of Government Affairs; and Dan Durr, Customer Service Manager from Comcast of Maryland, Inc. gave a brief presentation and answered questions from Council.

No one from the general public spoke in favor of or in opposition to the ordinance.

Alderman Cohen, Chairman, declared the public hearing closed.

- Without objection, the public hearing on R-23-04 and O-34-04 were held jointly.

BOWEN PROPERTY ANNEXATION

**R-23-04      For the purpose of annexing into the boundaries of the City of Annapolis certain property which is contiguous to the existing boundary of the City and is located to the south of Aris T. Allen Boulevard, and matters generally related to said annexation.**

**O-34-04 For the purpose of establishing a zoning classification of R1-B, Single-Family Residence District and a Critical Area Zoning classification of Resource Conservation Area (RCA) for certain property which is owned by Orville L. Bowen and Dorothy K. Bowen, and which is located to the south of Aris T. Allen Boulevard; and all matters relating to said zoning map amendment.**

- Alderman Cordle left at 9:45 p.m.

Planning and Zoning Director Arason and Planning Commission Chairman Urban gave a brief presentation on the annexation and answered questions from Council.

Kathryn J. Dahl, Esq., Hyatt, Peters and Weber, 1919 West Street, Annapolis, Maryland 21401, representing the applicants, gave a brief presentation and entered the following into the record:

Exhibit A: Tax Map  
Exhibit B-1: Anne Arundel County Zoning Map  
Exhibit B-2: County Zoning on Bowen Property  
Exhibit C: Anne Arundel County Critical Area Map  
Exhibit D: Annapolis Neck Small Area Plan - Adopted March 2003  
Exhibit E: Excerpts From Annapolis Comprehensive Plan 1998  
Exhibit F: City Zoning Map Reflecting Bowen Property  
Exhibit G1: Original Request for Proposed City Zoning - R1B  
Exhibit G2: Amended Request for Proposed City Zoning - R1A  
Exhibit H: Fiscal Impact Analysis  
Exhibit: Resume Patricia Faux  
Exhibit: Fiscal Impact Analysis, Westholm & Associates, LLC, August 3, 2004; January 17, 2005 Revisions  
Exhibit: Requirements for Annexation by the City Council

Experts present and who testified on behalf of applicant:

- Jerome Feldman, agent for the applicants, 900 Bestgate Road, Suite 104, Annapolis, Maryland 21401
- Gary T. Westholm, MAI, Westholm & Associates, LLC, 150 South Street, Suite 202, Annapolis, Maryland 21401
- Patricia Faux, President, The Faux Group, Inc., 209 West Street, Ste. 303, Annapolis, Maryland 21401

Public who spoke on the annexation:

- Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401
- Kincey Potter, South River Federation, 1818 Woods Road, Annapolis, Maryland
- Steven Brokshester, 11 Upshur Avenue, Annapolis, Maryland 21403

Public who spoke in favor of the annexation:

- Mark Kissner, President, Oxford Landing Civic Association, 207 W. Manor Court, Mt. Airy, Maryland
- Alexander Baquie, Oxford Landing Civic Association, 602 Tuckahoe Creek Court, Annapolis, Maryland

Public who spoke in opposition to the annexation:

- Julie Stankivic, 906 Primrose Road #204, Annapolis, Maryland
- A. Scott Mobley, President, Annapolis Neck Peninsula Federation, 87 Tarragon Lane, Edgewater, Maryland 21037

No one else from the general public spoke in favor of or in opposition to the annexation.

Alderman Cohen, Chairman, accepted into the record memoranda: from Planning and Zoning Director Arason to the Planning Commission dated 1/13/05; from the Planning Commission to Planning and Zoning Director Arason dated 2/3/05; and from the Planning Commission to the Annapolis City Council dated 2/17/05.

Alderman Cohen, Chairman, declared the public hearing closed.

#### LEGISLATIVE ACTION

- R-11-05**      **For the purpose of requesting that the Maryland General Assembly adopt the *Clean Indoor Air Act of 2005* or other similar legislation which further restricts or bans the smoking of tobacco products in all indoor areas open to the public; and all matters relating to said support of such legislation.**

Alderman Carter moved to withdraw R-11-05. Seconded. CARRIED on voice vote.

#### RODGERS - ANNEXATION

- R-8-05**      **For the purpose of annexing into the boundaries of the City of Annapolis certain property which is contiguous to the existing boundary of the City and is located on the easterly side of Bembe Road where it is intersected by Edgewood Road, and matters generally related to said annexation.**

Alderman Hammond moved to adopt R-8-05 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and General Government Committee and Planning Commission

- O-13-05**      **For the purpose of establishing a zoning classification R3, General Residence District, for certain property which is contiguous to the existing boundary of the City, is west of the Chesapeake Bay and east of the intersection of Edgewood Road and Bembe Beach Road, and is owned by Theo C. Rodgers, Trustee of William L. Adams, Parlett L. Moore, Jr., and Sarah Ceasar (collectively the "Petitioner"); and all matters relating to said zoning map amendment.**

Alderman Hammond moved to adopt O-13-05 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and General Government Committee and Planning Commission

#### ANNAPOLIS NECK ANNEXATION

- R-9-05**      **For the purpose of annexing into the boundaries of the City of Annapolis certain property which is contiguous to the existing boundary of the City and is generally located between Quiet Waters Park, Hunt Meadow, Annapolis Overlook and on Forest Drive next to Forest Village Apartments; and matters generally related to said annexation.**

Alderman Hammond moved to adopt R-9-05 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and General Government Committee and Planning Commission

- Alderman Hammond moved to have an evening closed meeting to consult with counsel to obtain legal advice on a legal matter. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:38 p.m.

Deborah Heinbuch, MMC  
City Clerk